UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,051	06/27/2003	David Konetski	016295.1384	6910

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/609,051	KONETSKI ET AL.
	Examiner	Art Unit
	SHAWKI S. ISMAIL	2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 April 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

RESPONSE TO AMENDMENT

1.   This communication is responsive to the amendment received on April 29, 2009.

Claims 1, 8 and 18 have been amended.

Claims 1-25 are pending further examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6-9, 11, 13-21, and 23-25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Chaddha et al.,** (referred hereinafter as Chaddha) U.S. Patent No. **6,173,317.**

Chaddha teach a system that relates to multimedia communications. More particularly,

Chaddha teaches a system that relates to the synchronous delivery of annotated multimedia

streams over a diverse computer network.

4.   As to claim 8, Chaddha teaches a method for providing media content to a user associated

with a thin media client, comprising the steps of:

receiving from the user a request for media content, the media content requested by the

user comprising at least two instances of media content, wherein the thin media client is operable

to request digital media content and to receive status information; (col. 2, lines 38-47, client

requests video/audio content and receive the requested content);

retrieving the at least two instances of media content from one or more sources of digital

media content (col. 2, lines 26-36, video/audio and annotation streams are produced and by a

capture module and an author module and then stored in the stream server);

pre-processing the at least two instances of media content to create a combined data

stream of digital media (col. 6, lines 13-21, combining a compressed video audio data into one

stream for delivery);

transmitting the combined data stream to the thin media client, wherein the combined

data stream is operable to be rendered for display at the thin media client (col. 2, lines 62-67,

render ding the stream for display on the client web browser); and

wherein rendering the combined data stream at the thin media client to provide the media

content of the data stream to the user, wherein the thin media client is not responsible for

operable to perform the pre-processing functions related to the data stream (refer to Fig. 9 and

col. 7, line 60—col. 8, line 2, most of the processing occurs prior to the stream being received at

the web browser either at the producer or client module).

Although Chaddha teaches the claimed invention as described above it does not explicitly

recite a thin media client. However according to applicant's specification a thin media client

only perform the task of rendering a data stream provided from server and is not associated with

any pre-processing and may be a associated with or incorporated into a display or playback

device. A thin-client is an application or system that accesses a remote service on another

computer system known as a server by way of a network. Web browsers are clients that connect

to web servers and retrieve web pages for display. According to the description provided in the

applicant's disclosure and the definitions of thin-client and web browser, one of ordinary skill in

the art would be reasonable in equating the claimed thin-media client to the Chaddha's web

browser and plug-in module illustrated on Fig. 9 and discussed in col. 7, line 60 - col. 8, line 2.

The functionality of Chaddha's web browser and browser plug-in module perform the same

functionality as the claimed thin media client specifically rendering a data stream provided from

server and is not associated with the pre-processing and may be a associated with or incorporated

into a display or playback device and therefore meet the scope of the claimed thin media client.

5.   As to claim 9, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the at least two instances of media content

comprise at least two instances of digital video (col. 2, lines 38-47).

6.   As to claim 11, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the at least two instances of media content

comprise a digital video data stream having an audio component and an audio-only data stream

(col. 6, lines 13-21).

7.   As to claim 13, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from the Internet (Fig. 10b, col. 2, lines 26-36 and col. 5, lines 10-28).

8.   As to claim 14, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from a media storage device (col. 5, lines 40-53).

9.   As to claim 15, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from a home appliance (col. 5, lines 40-53).

10.   As to claim 16, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 8, wherein the step of retrieving the at least two

instances of media content comprises the step of retrieving at least one instance of media content

from a video camera (col. 5, lines 40-53).

11.   As to claim 17, Chaddha teaches the method for providing media content to a user

associated with a thin media client of claim 10, wherein the source of at least one instance of the

two instances of digital video is a video camera (col. 5, lines 40-53).

12.   regarding claims 2 and 18, Chaddha teaches the claimed subject matter as discussed in

details above. With regards to the claimed hub subject matter used in the instant invention to

route the user's request and to deliver the responses to the user.   One of ordinary skill in the art

will recognize that in an internet communication environment such as that of Chaddha, it is

important to have a device such as a hub, router or switch that routes communication between

the client and server. Therefore, Chaddha's internet communication environment meets the

scope of the claimed limitation as currently presented.

13.   Claims 1-4, 6-7, 18-21 and 23-25 do not contain or define any new subject matter than that addressed above, therefore they are rejected under the same rationale.

14.   *Claims 5, 10, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over* **Chaddha et al.,** *(referred hereinafter as Chaddha) U.S. Patent No.* **6,173,317** *in view of* **Smyth et al.,** *(Hereinafter referred to as Smyth) U.S. Patent No.* **7,007,098.**

Chaddha teaches the claimed invention as described invention, however Chaddha does not explicitly teach wherein the step of pre-processing comprises the step of combining the at least two instances of digital video into a combined data stream in picture-in-picture format.

Smyth teaches a method of controlling video signals in a multi-participant video conference which involves assessing the level of video signal required from each participant to mix the desired broadcast video signals, and using the result of this assessment to dynamically control the video output from the endpoints of the conference participants to handle multiple video streams, the MP may also choose a mixing strategy, where the mixing takes the form of combining the video streams from all participants into a "picture-in-picture" image, containing reduced images of all conference participants, and then transmitting this combined image to each endpoint, so that all participants may be viewed from each desktop (see abstract and col. 2, lines 8-17).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the teaching of Smyth into the invention of Chaddha in order to reduce the amount of images that are displayed at a client device.

15.   *Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over* **Chaddha et al.,** *(referred hereinafter as Chaddha) U.S. Patent No.* **6,173,317** *in view of* **"Official Notice".**

16.   As to claim 12, Chaddha teaches combining a digital video data stream with an audio-only stream; however Chaddha does not explicitly indicate attenuating the audio component from the digital video stream.

"Official Notice "is taken that the techniques of attenuating are well known in the art and expected in the multimedia communication environment. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the techniques of attenuating the audio component from the digital video stream in order to allow an audio portion of the stream to be easily heard over other parts of the audio stream.

Response to Arguments

17.   Applicant's arguments received on April 29, 2009 have been fully considered, however they are not persuasive. The applicant argues in substance that:

Argument (A): Chaddha fails to teach or suggest that "the thin media client is operable...to receive status information from the one or more sources of digital media content" (refer to remarks pages 8-9).

The examiner respectfully disagrees. The claims must be given the broadest reasonable interpretation. The claims merely recite receiving status information and do not specify what the status information entails and status of what. The claims are broad enough that the actual media content received may be equated to the claimed status information. However, the examiner is equating the annotation streams that are received along with the audio/video content to the

claimed status information. Annotation streams include annotation frames which provide either

pointer(s) to the event(s) of interest or include displayable data embedded within the annotation

stream 9col. 2, lines 47-61). Therefore, pointers to the events of interest in the media content are

received in the annotation streams and help to provide additional or supplemental data (status

information) regarding the media content received. Therefore, Chaddha's annotation streams

meet the scope of the claimed limitation.

Argument (B): Chaddha does not disclose retrieving the at least two instances of media content

from one or more sources of digital media content (see remarks page 10).

The examiner respectfully disagrees. Chaddha discloses enabling client computer(s) to

retrieval and display synchronized annotated multimedia streams   Multimedia streams provided

to the client computer(s) can include a compressed video stream for display in a video window

and an accompanying compressed audio stream (refer to col. 2, lines 26-36). Chaddha further

discloses combining, e.g., <u>interleaving a compressed video and audio data into one stream</u> for

delivery to a client computer (col. 6, lines 13-21). The examiner is interpreting the two instances

of media content to be the audio and video streams which are combined to form one combined

data stream. The audio and video streams are in fact two independent instances because the

audio can be transmitted independent of the video and vice versa. The claims must be given the

broadest reasonable interpretation. The claims merely recite retrieving the at least two instances

of media content from one or more sources of digital media content and do not explicitly recite

what the two instances entails. The applicant raised the notion that the instant specification

provides evidence of what instances entails and points to the specification at paragraph [0007]

for disclosing that "instances" for example, "independent digital video stream". However, the examiner maintains that the specification only provides exemplary support of what "instances" may comprise evidenced by the phrase "for example" The specification does not give a clear definition of what instances entails and as such the examiners interpretations are reasonable.

Argument (C): Chaddha does not disclose that the thin media client is not operable to perform the pre-processing functions related to the data stream (see remarks pages 10-11).

At the onset and after review of the remarks and the cited prior art (Chaddha), it becomes apparent that the examiners position and interpretation of the reference may have been misunderstood. What follows is an attempted clarification of the examiners position as indicated in the Non-Final Action. Chaddha discloses a client computer 240 (which includes a web browser 950 and a browser plug-in module 952) that uses the plug-in module for interfacing the web browser with a main client module 960. The examiner agrees with the applicant's analysis that the client module 960, which contain the video decoder 964 does do some processing on the data stream. However, the examiner would like to direct the applicant's attention to the fact that the claimed thin-client is being equated to the web browser 950 and a browser plug-in module 952 and **not** the client module 960 (refer to the diagram and excerpts below from Chaddha for clarification).
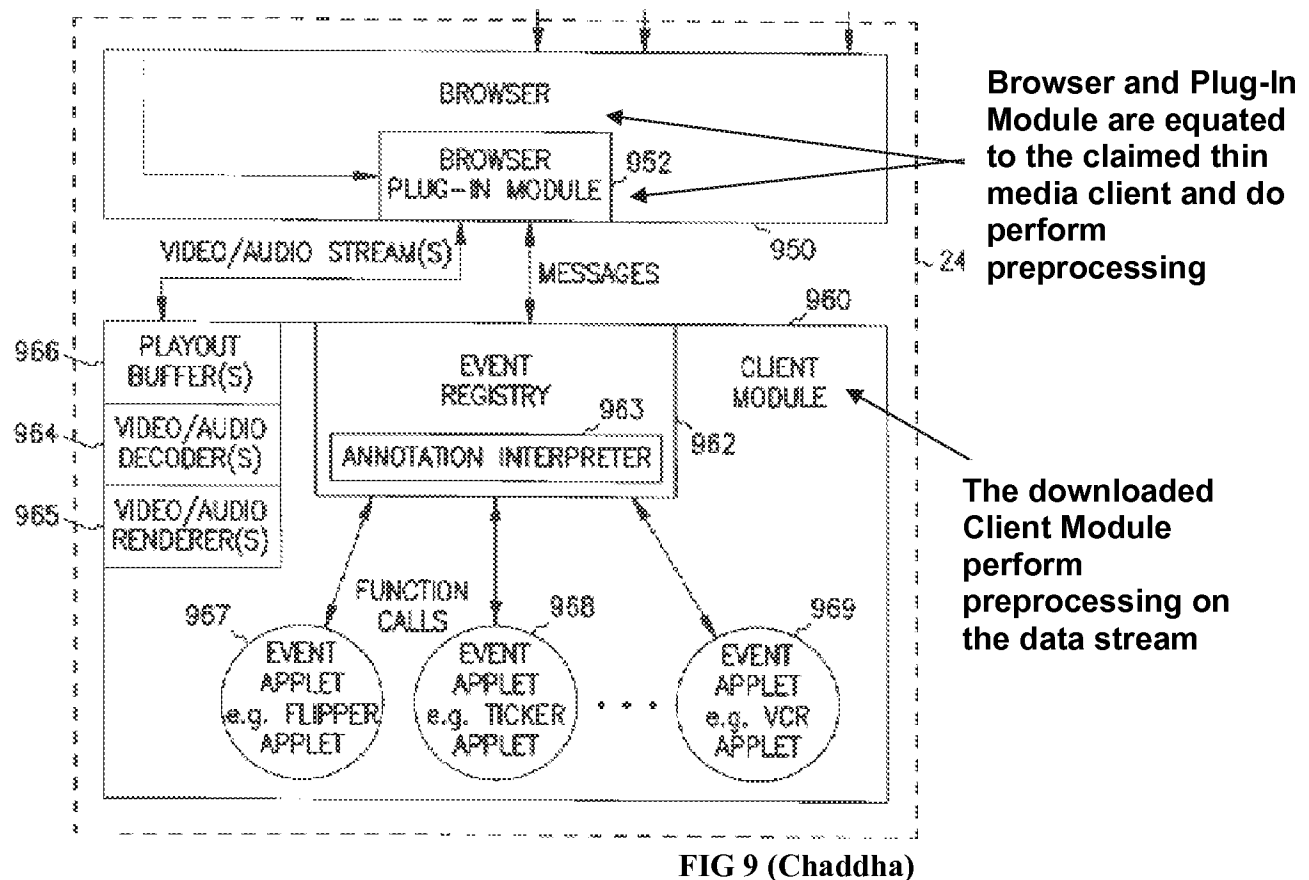
FIG 9 (Chaddha)

Chaddha discloses:

> "Referring now to FIG. 9, in one embodiment of the present invention, <u>client computer 240 includes a web browser 950 and a browser plug-in module 952 for interfacing web browser 950 with a main client module 960</u>. Client module 960 includes an event registry 962, playout buffer(s) 966, video/audio decoder(s) 964, video/audio renderer(s) 965 and one or more dynamically loadable event applet(s), e.g., flipper applet 967, ticker applet 968 and VCR applet 969. In this embodiment, event registry 962 also functions as an annotation interpreter 963" [col. 7, line 60 – col. 8, line 2, Emphasis Added].

Chaddha further discloses:

> "If client module 960 has not been previously loaded, <u>client module 960</u> is now loaded over web browser 950 <u>for processing video/audio and annotation streams</u> (step 1020)." [Col. 8, lines 14-17, Emphasis Added].

Chaddha further discloses:

"Next, the <u>encoded video/audio streams are decoded by decoder 964, i.e.,</u> <u>decompressed using a suitable technique,</u> and then displayed at client computer 240 by renderer 965 (step 1040)." [col. 8, lines 60-63, Emphasis Added]

It is in fact <u>the client module 960 which is responsible for processing the data stream</u> <u>(decoding) and not the web browser and browser plug-in module</u> Therefore, the examiner's interpretation of the web browser and browser plug-in module equated to the claimed thin media client and not operable to perform the claimed pre-processing meets the scope of the claimed limitations.

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S. Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Shawki S Ismail/
Examiner, Art Unit 2455
July 30, 2009